

GREENWOOD CITY COUNCIL

December 21, 2009 - 5:31 p.m.

MINUTES

PRESENT Council Members: Mayor D. Welborn Adams, Niki Hutto, Linda Edwards, Betty Boles, Johnny Williams and Barbara Turnburke. City Manager; City Clerk; Greenwood Today and Chris Trainor of the Index Journal.

CALL TO ORDER The meeting in Council Chambers was called to order by Mayor Adams at 5:31 p.m.

STATEMENT AND QUORUM Mayor Adams read the following statement, "In accordance with the Freedom of Information Act, Chapter 4, Title 30, Code of Laws of South Carolina, 1976, an agenda has been posted on the front door of City Hall and notification of this meeting has been given to the news media."

The Mayor then asked the City Clerk, Steffanie Dorn, if a quorum was present. She said, "Yes, Mr. Mayor, we have a quorum present."

The City Manager, Charles Barrineau, gave the invocation.

APPROVAL OF CONSENT AGENDA Mayor Adams asked for a motion to approve the consent agenda.

Motion to approve the consent agenda was made by Johnny Williams, seconded by Niki Hutto.

The Mayor said, "All in favor signify by a show of hands. The motion carries."

The motion passed unanimously.

ACCEPT Mayor Adams read the first item and asked for a motion.

The Results from the Municipal Election Commission. Motion was made by Johnny Williams, seconded by Niki Hutto.

"All in favor signify by a show of hands. The motion carries."

The motion passed unanimously.

- attach -

ADMINISTER Mayor Adams administered the Oath of Office to Teresa Klauber.

Oath of Office to Teresa W. Klauber, Ward 4.

- attach -

CONSIDER Under Public Hearings, Mayor Adams recognized the City Manager.

Ordinance No. 09-033 Amending Ordinance No. 08-047, the City of Greenwood 2009 General Budget.

(2nd reading)

CHARLES BARRINEAU "Mr. Mayor and Members of Council, the first item is Ordinance 09-033 amending the 2009 budget. As we have discussed, there are four items that we're asking to transfer: the building repairs, the Hospitality Fund (in and out), and the Capital Improvement Fund Balance of \$312,270. The largest bulk of that is for half of the County jail repairs for the amount of \$72,647. I'll be happy to answer any questions."

MAYOR ADAMS "Is there anyone from the public that would like to speak in favor of Ordinance 09-033? Is there anyone from the public that would like to speak against Ordinance 09-033?"

Is there any discussion among Council? Do I have a motion to approve?"

Motion was made by Niki Hutto, seconded by Johnny Williams.

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Mayor Adams recognized the City Manager.

Ordinance No.
09-028
Authorizing the
Issuance and
Delivery from
Time to Time of
One or More
City of
Greenwood,
South Carolina,
Revenue Bond
Anticipation
Notes, in an
Aggregate
Principal
Amount Not to
Exceed
\$10,000,000 in
Anticipation of
the Receipt of
the Proceeds of
the Sale of
Junior Lien
Combined Public
Utility System
Revenue Bonds
of the City of
Greenwood.

(2nd reading)

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, this will allow the CPW to again float notes in case they need the revenue to purchase natural gas. Beginning three years ago, Council annually adopted this ordinance on behalf of CPW. I'll be glad to answer any questions."

MAYOR ADAMS

"This is a public hearing. Is there anyone from the public that would like to speak in favor of 09-028? Is there anyone from the public who would like to speak against 09-028?"

Is there any discussion among Council? Do I have a motion to approve?"

Motion to approve was made by Niki Hutto, seconded by Betty Boles.

"All in favor signify by a show of hands. The motion carries."

The motion passed unanimously.

- attach -

CONSIDER

Mayor Adams recognized the City Manager.

Ordinance No.
09-029 to Adopt
the Budget for
2010.

(2nd reading)

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, there are highlights of the 2010 budget on the screen (pointing). We had a slight change from the first reading to the second that we discussed at your work session. Our projected revenue is \$12,676,576 and the expenditures are \$12,815,967. The net difference in expenditures is \$30,700. As we have discussed, the change includes a reduction in County revenue, a change in retiree health insurance, a change to one of our infrastructure reimbursement agreements, and a transfer agreement with the Greenwood CPW. So, again, we would ask that your consideration be made with these new numbers."

The budget does include a tax increase of 4.1 mills or 4.2 percent, and a five year municipal lease purchase in the amount of \$403,360. It also includes a transfer from the Capital Improvement Fund of \$190,160. We anticipate, should we use all of the expenditures, \$139,389 going into the reserve. There is no cost of living increase in the budget."

MAYOR ADAMS "Is there anyone from the public who would like to speak in support of Ordinance 09-029? Is there anyone from the public would like to speak in opposition of Ordinance 09-029? Is there any discussion among Council?"

BETTY BOLES "I just wanted to make sure the highlights were included in the budget."

CHARLES BARRINEAU "Yes, ma'am."

MAYOR ADAMS "Do I have a motion for approval?"

Motion to approve was made by Johnny Williams, seconded by Niki Hutto.

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

Those who voted in favor were Mayor Adams, Niki Hutto, Betty Boles, Johnny Williams, and Barbara Turnburke. Linda Edwards and Teresa Klauber voted against.

The motion passed.

- attach -

CONSIDER Mayor Adams recognized the City Manager.

Ordinance No.
09-030 to Levy
Tax for the
City of
Greenwood for
2010.

(2nd reading)

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, this is the ordinance to levy tax. Again, as I have mentioned, it's a 4.1 mill recommended increase from 97.5 to 101.6."

MAYOR ADAMS

"Is there anyone in the public who would like to speak in favor of Ordinance 09-030? Is there anyone from the public who would like to speak in opposition of Ordinance 09-030? If you would, state your name and address, please."

BARRY MINER

"I'm Barry Miner of 529 Baptist Assembly Road in Waterloo, South Carolina. I'd like for you to consider that the Greenwood unemployment rate is around 13%. You got businesses right now just in survival mode. We're just trying to survive this economy and I feel like any increase in taxes right now would be a burden on all of us. So I would like for you to think about this and not do it. It's just a tough time for everybody and, if anybody is in the retail business or any type of business right now, you'd know that everybody is struggling. I'm just opposed to it."

MAYOR ADAMS

"Thank you. Is there anyone else who would like to speak in opposition?"

RUDY ADAMS

"My name is Rudy Adams. I live at 403 Augusta Circle and own about 13 rental properties in the City of Greenwood. I don't see how you all could even consider raising taxes. You'd realize, if you check on your statistics, most of your property in the City of Greenwood is rental property. The figures y'all put in the paper about how much it would be to raise the taxes on an \$80,000 home didn't coincide with rental properties. It's going with the people that are living there. Most of the people who are living in their homes in the City of Greenwood are getting homestead exemption so you're not getting any taxes from them. You're getting it all from people like me and Mr. Minor that owns these properties.

All the money you spend on Uptown is totally useless. It's only a good place for lawyers and bars. That's the only thing it's for. You have your Live After 5 where people will come and drink. The businesses benefit from it but it's people like us having to pay for it. All the expense for these people to set the thing up and then clean up after the drunks doesn't make sense to me. I don't even have a high school education, much less a college (education) like you, but I got plenty of common sense and y'all are trying to make people like us pay for everything. You said in the paper that you needed more police officers and inspectors. You need to make the ones you got get off of their rear ends and go to work! I'm strictly opposed to it!"

- MAYOR ADAMS "Is there anyone else from the public who would like to speak in opposition? Is there any discussion among Council?"
- TERESA KLAUBER "I would like to thank Mr. Miner and Mr. Adams for addressing their concerns with us. As you know, owners of rental property have to pass that cost on to their tenants and ultimately it's hurting them also. That's one of the many reasons I will be voting against this tax increase."
- JOHNNY WILLIAMS "Well, the tax increase was on the last vote. This is just the level of millage. When I got on Council, the millage was something like 110 mills. Today it is 102."
- TERESA KLAUBER "Yeah, that's because it's been reassessed, hasn't it? It brings it down."
- JOHNNY WILLIAMS "Yes, but still the millage, once it's down, will come back up a little bit. Our employees will not get a cost of living increase and they're still hurting because we cannot afford to give them a raise. We're borrowing money from the Fund Balance. If we didn't have a Fund Balance, like when I was (first) on Council, we'd be in serious trouble. We'd be borrowing money from finance companies."
- TERESA KLAUBER "Well, I understand and respect that about our employees but it's hard to tell the 13% unemployed who don't have a job, or a paycheck coming in all, that we're suffering because we're not giving our employees pay raises. There are more people in the City who are losing their homes. A month ago, when the foreclosures were in the paper, 8 of the 27 properties being foreclosed were in Ward 4 which is the Ward that I'm elected to represent. There is no way I can vote in good conscience to raise taxes when there are almost a third of people losing their homes."
- JOHNNY WILLIAMS "None of us wants a tax increase; never have and never will, but we got to operate. If we don't, what service are we going to cut? If you find the service to cut, then we'll cut the millage. Let's find the services first that you'd like to cut and then you'll hear them holler. Rental property that he's talking about cost the taxpayers to pick up stuff on the side of the road when their tenants move out. I'd ride by and you'll be surprised at the truck loads of stuff you see in the road. We have to haul it off and don't charge for it. Now, if we can put fees on all that stuff, then we wouldn't have to raise taxes. So, which would you rather have, fees? That's going to cost you more!"

RUDY ADAMS "I'll haul mine off!"

MAYOR ADAMS "The public discussion is over. Do I have a motion to approve Ordinance 09-030?"

Motion to approve was made by Johnny Williams, seconded by Niki Hutto.

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

Those who voted in favor were Mayor Adams, Niki Hutto, Betty Boles, Johnny Williams, and Barbara Turnburke. Linda Edwards and Teresa Klauber voted against.

The motion passed.

- attach -

LINDA EDWARDS "My statement is the same as the first time. Nothing has changed."

CONSIDER Mayor Adams recognized the City Manager.

Ordinance No.
09-031 to
Authorize the
City Manager to
Issue Tax
Anticipation
Notes in 2010.

(2nd reading)

CHARLES "Mr. Mayor and Members of Council, this tax anticipation ordinance is similar to the CPW Bond Anticipation Ordinance that you voted on a minute ago. Staff does not anticipate using this but Council has annually approved the ordinance. Basically, if we did not have a Fund Balance, we would be required to issue a note for anticipation of taxes to pay our bills. I'll be glad to answer any questions."
BARRINEAU

MAYOR ADAMS "Is there anyone from the public who would like to speak in support of 09-031?"

Is there anyone from the public who would like to speak in opposition of Ordinance 09-031?

Is there any discussion among Council?"

LINDA EDWARDS

"If I have understood correctly, we said that if we ever needed to borrow? We never needed to borrow?"

CHARLES
BARRINEAU

"That's correct. Mr. Williams probably knows best."

JOHNNY WILLIAMS

"Yes, ma'am, we have borrowed in the past."

CHARLIE
BARRINEAU

"The last time the City did borrow was probably in the 80's or early 90's. But, in the 10 years since I've been here, we have not done that."

JOHNNY WILLIAMS

"Before we had a fund balance, we had to borrow."

LINDA EDWARDS

"Did you raise taxes the year we borrowed this money?"

JOHNNY WILLIAMS

"Yes, ma'am. We raised taxes 10 mills that year."

LINDA EDWARDS

"Okay. That's all."

JOHNNY WILLIAMS

"And that's when we started the Fund Balance. We raised taxes 10 mills so that we could start a Fund Balance. So, if we needed a fire truck but didn't have the money, we had to borrow it. The interest rates back then were out of sight, but we had to do something."

LINDA EDWARDS

"I just wanted to know if property taxes went up when we borrowed the money."

JOHNNY WILLIAMS

"Oh, yeah. It went up, 10 mills."

MAYOR ADAMS

"Do I have a motion to approve 09-031?"

Motion to approve was made by Johnny Williams, seconded by Niki Hutto.

"All in favor signify by a show of hands. The motion carries."

The motion passed unanimously.

CONSIDER Mayor Adams recognized the City Manager.

Ordinance No.
09-032 Adopting
the Business
License
Ordinance for
2010.

(2nd reading)

CHARLES BARRINEAU "Mr. Mayor and Members of Council, this is your annual Business License Ordinance. There are no changes to the text from the 2008 Ordinance that was adopted and no fee changes proposed for 2010. It's the exact same ordinance that we're currently enforcing."

BETTY BOLES "Are we just renewing?"

CHARLES BARRINEAU "That's right."

MAYOR ADAMS "Is there anyone from the public who would like to speak in support of 09-032? Is there anyone who would like to speak in opposition to Ordinance 09-032?"

Is there any discussion among Council? I'll entertain a motion?"

Motion to approve was made by Betty Boles, seconded by Niki Hutto.

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

CONSIDER Mayor Adams recognized the City/County Planning Director.

Ordinance No.
09-034 Amending
the City of
Greenwood's
Official Zoning
Map (Ordinance
No. 04-020) by
Rezoning
Properties
Located at 315
and 325 Magnolia
Avenue from R7
(High Density
Residential) to
NC (Neighborhood
Commercial).

(1st reading)

PHIL LINDLER "Mr. Mayor and Members of Council, this is a request by the property owner, Jesse Adams, who would like to rezone two properties that are currently vacant at 315 and 325 Magnolia Avenue from R7, High Density Residential, to NC, Neighborhood Commercial. The Planning Commission looked at this request at the December meeting and recommended approval. Everything around these two lots is mostly residential but there is some commercial across the street from his property. Thank you."

BETTY BOLES "What commercial properties are across the street?"

PHIL LINDLER "The funeral home is across the street as well as another business that's closer to the Uptown area. All that area across the street is zoned to Core Commercial whereas everything on the Northern side of Magnolia is residential."

LINDA EDWARDS "Do you have any idea what they want to do with this piece of property?"

PHIL LINDLER "Their application stated that they would like to construct a beauty salon and flower shop. Of course, if it were to be rezoned, they can do any of the allowed uses in the Neighborhood Commercial zoning district."

LINDA EDWARDS "I don't think this is a good place for a beauty or flower shop. Is the property owner present?"

PHIL LINDLER "I'm not sure. They were not present at the Planning Commission meeting. They could've been present but didn't speak."

LINDA EDWARDS "I'd just like to know if they have any idea of what they're proposing and where they're proposing it. I don't think that's an ideal location for either business."

BETTY BOLES "What about the residents in the area, did anybody speak for or against it?"

PHIL LINDLER "No ma'am. There were no individuals that came or called concerning the request. We did mail letters like we normally do to the property owner and adjacent property owners and posted signs on the property but did not see anyone who spoke in opposition."

MAYOR ADAMS "Currently, it's vacant?"

PHIL LINDLER "That's right."

BETTY BOLES "It's just that section?"

JOHNNY WILLAIMS "Which funeral home it's near, Parks?"

PHIL LINDLER "Percival Tompkins."

LINDA EDWARDS "It's not the best place for a business he's talking about. That's why I want to know if the property owner knows exactly what he's asking for because that piece of property backs up to residential. In fact, I can walk out my back door and walk on that piece of property. We got enough problems going on in that area without adding potential break-ins. So I'd just like to meet the property owner and see if he knows how much of this area he's familiar with."

CHARLES BARRINEAU "Ms. Edwards, as we have done in the past, if it will be helpful, staff will be more than happy to invite the individual to your work session in January and allow you to ask some questions at that time. Mr. Mayor, we did advertise this as a public hearing."

MAYOR ADAMS "Is there anyone here who would like to speak in favor of Ordinance 09-034? Is there anyone here who would like to speak in opposition to 09-034? Do I have a motion to table this?"

Motion to table was made by Linda Edwards, seconded by Betty Boles.

"All in favor signify by a show of hands. The item is tabled."

The motion to table was passed unanimously.

CONSIDER Under Unfinished Business, Mayor Adams recognized the City Manager.

Ordinance No.
09-026
Authorizing
road closure
Approval of a
412 Foot
section of
Graydon Avenue
Adjacent to the
Parcel Located
at 411 Graydon
Avenue.

(2nd reading)

CHARLES BARRINEAU "Mr. Mayor, Ordinance 09-026 is a request from Lander University for us to close a portion of Graydon Avenue. They have purchased the surrounding property for the future Recreation, Wellness, and Sports Complex. We have discussed this with the General Manager of Greenwood CPW and, when we make the proposed deed, will include easements for all existing CPW utilities. I believe they have all three utilities in that road existing now so that will be a part of the deed. Otherwise, we see no reason not to close this portion of the road and deed it to Lander. I'll be glad to answer questions."

MAYOR ADAMS "This is the second reading. Do I have a motion for approval of this ordinance?"

Motion to approve was made by Niki Hutto, seconded by Barbara Turnburke.

"All in favor signify by a show of hands. Is there anyone opposed?"

The motion passed unanimously.

- Attach -

CONSIDER

Mayor Adams recognized the City Manager.

Ordinance No.
09-027 Amending
Ordinance 03-
010, Zoning
Ordinance,
Chapter 3,
Section
3.3.1.2.,
Conditional
Uses Allowed in
All Commercial
Districts;
Chapter 4,
Section 4.4.2.,
Corridor Area
Designation;
and Chapter 6,
Section 6.3.6.,
Signs for Which
a Permit is not
Required.

(2nd reading)

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, this is the second reading that addresses a number of changes to the text of your Zoning Ordinance. First, Section 3.3.1.2. allows up to four yard sales per year in a commercial district. If you remember, we have a number of nonprofits that have requested to have a yard sale in the commercial districts and this will allow for that.

The second area is about the political sign corridor area designation. There was a typographical error in the Zoning Ordinance that changes the footage from 2,500 to 250.

For sign permits, our present ordinance says that it limits political signs to not be put out more than two months before the election. If you recall, your then City Attorney, Steve Welch, did some research and found that it's probably unconstitutional as it limits freedom of speech. This ordinance change would strike the language that limits political signs to two months prior. I'll be glad to answer any questions."

MAYOR ADAMS "Is there any discussion among Council? Do I have a motion for approval of 09-027?"

Motion to approve was made by Niki Hutto, seconded by Betty Boles.

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- Attach -

CONSIDER Mayor Adams recognized the City Manager.

Ordinance No.
09-035 Setting
Policy Related
to Smoking on
City Property as
Defined or in
City Vehicles.

(1st reading)

CHARLES BARRINEAU "Mr. Mayor and Members of Council, if you recall a number of months ago, Greenwood County Council considered a similar ordinance and you directed staff to draft an ordinance limiting the carrying of lighted cigarettes, pipes, or similar devices on City property and vehicles. This ordinance defines the actual City property to include the tax identification numbers including City Hall at 520 Monument Street, the City Shop & Public Works Compound at 315 Fair Avenue, and our three fire stations: Station One at 909 South Main, Station Two at 1213 Grace and Station Three at 102 Jenkins Springs. This does not include any City of Greenwood road or public parking area other than those parking areas identified on these parcels that I just mentioned but it does include all City vehicles. The fine included in the ordinance is no less than \$10 and no more than \$25. I'll be glad to answer any question from Council."

MAYOR ADAMS "Is there any discussion among Council? Do I have a motion to approve?"

Motion to approve was made by Niki Hutto, seconded by Teresa Klauber.

"All in favor signify by a show of hands. Is there anyone opposed? I think we're done with smoking."

The motion passed unanimously.

- Attach -

CONSIDER

Mayor Adams recognized the City Manager.

Resolution No.
09-015 Giving
Consent for
Certain Property
to be Added to
the
Comprehensive
Joint County
Business and
Industrial park
- Project Green
Pea.

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, we've been discussing Project Green Pea for a number of months. This is a retail development project with an estimated investment of \$2 million and a creation of 15 full-time, equivalent jobs. It's our understanding that the developer is seeking this incentive in order to get his lease points so that he can negotiate a proper lease with the tenant. The developers are requesting a special resource tax credit of 85% for the first five years and 55% for the second five years. One requirement in this agreement would be that the CPW is the sole provider of electricity to the project. I'll be happy to answer any questions that Council may have."

MAYOR ADAMS

"Are there any questions? Do I have a motion for approval?"

Motion to approve was made by Niki Hutto, seconded by

Barbara Turnburke.

"All in favor signify by a show of hands. Is there anyone opposed? The motion carries."

The motion passed unanimously.

- Attach -

CITY MANAGER
COMMENTS

The Mayor recognized the City Manager.

CHARLES
BARRINEAU

"Mr. Mayor and Members of Council, if you wouldn't mind, I'd like to make my comments before we go into Executive Session."

MAYOR ADAMS

"Yes, sir."

CHARLES
BARRINEAU

"I wanted to bring Council up to date on the second phase of the Maxwell Avenue façade and parking lot improvement. We have initial concept drawings for the parking lot from Davis and Floyd. If you recall, this was partially funded with a \$300,000 grant from the South Carolina Department of Commerce with matching funds from the City and CPW. The parking lot as shown (pointing) is the large, 200 space, public and paid lot; 30 of those spaces are public and 170 of those are leased spaces. You can see some of the canopies where we're proposing trees (pointing). I just wanted to let you know where we are in the design.

The one shift that is being proposed is, instead of having angled parking, to have 90 degree parking which will allow us to have more spaces, increased landscaping, and lighting in the parking lot. We are proposing to demolish the City's existing parking lot kiosk. At this point, this concept has not been shared with Uptown merchants but we will be planning a public meeting with them for their comments probably early January after the holiday season.

The second piece that I wanted to let you know about is, while working with Furman Architects, we have bid out the beginning of the façade project. It's a little different than the first façade project because there is metal on the buildings and we really can't tell what architectural features are there, or what needs to be renovated, without the removal of that metal. So we received a good qualifying bid and are working with those four property

owners that have metal on their buildings in hopes to get that taken down in early January. Again, the way this project works, a portion of the grant provided \$200,000 in façade grant funds. That is the first \$20,000 each for the 10 buildings and each property owner had to put up a 10% or \$2,000 cash match. So I wanted to let you know that the project is proceeding and hopefully you'll see some movement in the next couple of months. I'll be glad to answer questions."

MAYOR ADAMS

"That's great!"

CONSIDER

Mayor Adams asked for a motion to go into Executive Session.

Executive Session

- a)To Discuss a Legal Matter
- b)To Discuss a Personnel Matter

CHARLES BARRINEAU

"Just for the media sake, Mr. Mayor, this is just information sharing of both legal and personnel matters in Executive Session. I don't intend nor anticipate asking Council to take any action after Executive Session."

Motion to approve was made by Betty Boles, seconded by Barbara Turnburke.

MAYOR ADAMS

"All in favor signify by a show of hands. We are now in Executive Session."

The motion passed unanimously.

CITY COUNCIL COMMENTS

There were no comments at this time.

Motion to adjourn was made by Niki Hutto, seconded by Betty Boles.

The meeting adjourned at 6:42 p.m.

D. Welborn Adams, Mayor

ATTEST:

City Clerk and Treasurer